UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA,

v. 15 CR 551 (AJN)
15 CR 651 (AJN)

ISMEAL VASQUEZ,

Defendant.

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New York, N.Y.
May 23, 2016
2:00 p.m.

Before:

HON. ALISON J. NATHAN,

District Judge

APPEARANCES

PREET BHARARA
United States Attorney for the
Southern District of New York
MATTHEW J. LAROCHE
Assistant United States Attorney

STEWART L. ORDEN
Attorney for Defendant

THE DEPUTY CLERK: U.S. v. Ismeal Vasquez. Parties, please state your name for the record, starting with the government.

MR. LAROCHE: Good afternoon, your Honor. Matt Laroche for the government.

THE COURT: Good afternoon, Mr. Laroche.

MR. ORDEN: Your Honor, good afternoon. Stewart Orden on behalf of Mr. Vasquez who is seated next to me.

THE COURT: Good afternoon. We're here today for sentencing in United States v. Ismeal Vasquez. In preparation for today's proceeding I have reviewed the probation report which is dated April 11, 2016. I've also received and reviewed the following additional submissions: I have the defendant's submission dated April 21, 2016, there are several letters attached to the submission from Mr. Vasquez's wife and aunt, godmother, his mother, some siblings and several friends. And I have the government's submission dated April 23, 2016. I have a proposed order of restitution from the government which I just received in advance of sentencing, but I do have that.

Counsel, anything else I should have in front of me for purposes of sentencing?

MR. LAROCHE: No, your Honor.

MR. ORDEN: No, your Honor.

THE COURT: Can you confirm you've received each other's submissions.

MR. LAROCHE: Yes, your Honor.

MR. ORDEN: Yes, your Honor.

THE COURT: Thank you. Let me confirm, with the exception of the order of restitution, the proposed order of restitution, all of the submissions are on ECF. Is that correct?

MR. LAROCHE: That's correct, your Honor.

MR. ORDEN: Yes, your Honor.

THE COURT: Mr. Laroche, I wanted to confirm that the government has notified any crime victims of their rights under the Justice For All Act.

MR. LAROCHE: That's correct, your Honor. We have notified the victims of the carjacking. There are five adult victims and three minor victims. We've been in contact with them throughout this process. We understand that they're actually in the Dominican Republic on a trip, so they're unable to attend this sentencing.

I've also spoken with three of the four victims of the carjacking. I do not believe that they will be attending. The fourth victim is believed to be out of the country and we haven't been able to get in contact with them. We have been in contact with all of them.

THE COURT: Turning to the presentence report, Mr. Orden, I know you have, but for the record, have you reviewed the presentence report and discussed it with your client?

MR. ORDEN: I have, your Honor.

THE COURT: Mr. Vasquez, did you have an opportunity to review the presentence report, and if there are any errors in the report, raise them with your attorney?

THE DEFENDANT: Yeah.

THE COURT: Mr. Laroche, for the record, did you review the presentence report?

MR. LAROCHE: Yes, your Honor.

THE COURT: Putting aside for a moment the calculation of the sentencing guidelines, and let's also put aside for the moment the question of the criminal history, other than those issues, are there any objections to the report regarding factual accuracy?

MR. LAROCHE: No, your Honor.

MR. ORDEN: No, your Honor.

THE COURT: Hearing no objections, I adopt the factual recitations set forth in the PSR. The report will be made a part of the record in this matter, and placed under seal. If an appeal is taken, counsel on appeal may have access to the sealed report without further application to this Court.

Turning to the guideline calculation, as counsel is aware, I am no longer required to follow the United States sentencing guidelines, but I am still required to consider the applicable guidelines in imposing sentence, and must therefore accurately calculate the sentencing guideline range.

MR. ORDEN: Your Honor, if I may, I'm sorry.

THE COURT: I'm sorry?

MR. ORDEN: I did raise an objection to the factual recitation in the report regarding infractions at the MDC in my sentencing memorandum.

THE COURT: Yes.

MR. ORDEN: I don't know whether or not that's something that the government wants to concede or waive argument on.

THE COURT: Can you just first point me to the specific passage in the report that you object to.

MR. ORDEN: I believe on the original report, I don't know if the paragraphs changed, because I don't have the actually the printout of the amended, but paragraph 15 -- let me just look over Mr. Laroche's to see, do you have the amended?

Yes, it appears to be the same paragraph.

THE COURT: So, are any of the facts as stated in the paragraph being objected to, or are you taking issue with the underlying allegations that led to the discipline?

MR. ORDEN: Yes. The facts, the facts in terms of what was imposed upon him regarding the violation are correct, but he does contend that there was no Manila envelope sent to him with his knowledge or received by him containing any

Suboxone. He does admit that he got pictures from his family, but he never saw -- the envelope was not opened in front of him and he -- he denies that that ever occurred.

And in fact, his wife who sent him the envelope with some pictures of his family is in court today.

So, frankly, he thinks he was set up. And I would note that his allegations are that he's been violated three separate times by the same corrections officer.

THE COURT: Mr. Laroche?

MR. LAROCHE: I didn't intend on relying on that information as a basis for the sentencing of Mr. Vasquez. I think as Mr. Orden said, they're not objecting to the fact of the penalties. The government isn't going to rely on any of the underlying facts in terms of making argument concerning sentencing.

THE COURT: And neither will I. So just for purposes of making sure there is nothing objected to that remains in the PSR, are there any changes that you are asking me to make, Mr. Orden?

MR. ORDEN: Yes. I'd like you to strike the language beginning with the word "because" on paragraph 15, "because he received a Manila envelope addressed to him with five Suboxone strips" ending at the period after "stamps."

THE COURT: Mr. Laroche?

MR. LAROCHE: No objection.

THE COURT: So I will strike the language "Because he received a Manila envelope addressed to him with five Suboxone strips (used to treat opiate addiction) under some postal stamps," that language will be struck from paragraph 15 of the PSR. And the rest no objections, Mr. Orden?

MR. ORDEN: No.

THE COURT: With that language stricken from the PSR, with that language stricken, the I otherwise accept the factual recitations set forth in the report, and as stated earlier, the report will be made a part of the record and placed under seal.

Turning to the guideline calculation, I think I got as far as noting that I'm required to consider the applicable guideline and must therefore accurately calculate the sentencing guideline range. Here, there's a discrepancy between the stipulated guideline range contained in the plea agreement between the parties, and the range in the PSR. The difference appears to be the stipulated guideline range anticipated a criminal history score of IV, and the PSR includes an additional offense which leads to a criminal history score of V. That changes the guideline range from 151 to 188 months to 168 to 210 months.

I don't know if there is disagreement as to this underlying --

MR. ORDEN: I don't think there is, Judge.

THE COURT: So, given that, let me ask, accepting that

that is appropriately considered and therefore would produce a criminal history category of V, are there any other objections to the guideline range contained in the PSR?

MR. ORDEN: I think you meant to say IV though. Criminal history category IV.

THE COURT: Then I misunderstood you. I thought --

MR. ORDEN: We both agree that shouldn't be included I believe.

THE COURT: Oh.

MR. ORDEN: Correct, Mr. Laroche?

THE COURT: The reason I had misunderstood and took the opposite meaning of what you just said, Mr. Orden, because in your sentencing submission, although it starts out saying "we don't have any reason to believe this to be the case," you did then go on to say "we believe that technically the correct range is 168 to 210 months."

MR. ORDEN: And I obviously worded that in a confusing manner. What I meant was that given what they've calculated, the correct range is 168 months. Removing that from the calculation it is 151 months.

THE COURT: Let me just ask then, what is the government's position as to whether -- and again, no one's violating the plea agreement by honestly answering my questions, I am required to determine the correct guideline range. I don't have any particular basis in the record in front of me to conclude this, except that it is in the PSR. But no one has seen and I didn't ask the probation officer to see the underlying basis for probation to conclude that this conviction exists and should be applied.

Mr. Laroche, what is the government's position?

MR. LAROCHE: The government's positions is that it should not be included. That's based on a few things. The only information I have is what your Honor has, is that it is now included in this PSR. But the past PSR that probation did for the same exact defendant just several months ago for Judge Scheindlin's case did not include that conviction. The past plea agreement that involved the defendant did not include that conviction.

I've asked my agents to try to confirm this conviction and they've been unable to do so to this point. It does not show up on his criminal history records. So to the best of my knowledge, to the government's knowledge, that should not be included.

And I just note for the record that the defendant obviously would not be prejudiced if it's not included, because his guidelines range would go down. So the government doesn't think it should be included in these circumstances.

THE COURT: And it's that with which you agree?

MR. ORDEN: Yes, your Honor.

THE COURT: Well, I have no basis to include it in light of what's in front of me. So, I won't include it in my calculation of the criminal history. And as I gather then, based on the parties' agreement, the absence of objection, and in addition my independent evaluation the sentencing guidelines, I conclude, using the November 1st, 2015, edition of the guidelines that the offense level is 31, there is a criminal history category of IV, and that produces a guideline range of 151 to 188 months' imprisonment.

The parties' agreement also indicated that, although free to argue for a variance, both sides agreed not to seek an upward or downward departure within the guidelines system. Is that correct?

MR. LAROCHE: That's correct, your Honor.

MR. ORDEN: Yes, your Honor.

THE COURT: And nevertheless, I've considered whether there is an appropriate basis for departure from the advisory range within the guideline system and did not find grounds warranting a departure under the guidelines.

So we've established the appropriate guideline calculation. With that, Mr. Laroche, does the government wish to be heard?

MR. LAROCHE: Yes, your Honor. The government believes that a sentence --

THE COURT: Could you pull the mike.

MR. LAROCHE: Sure. The government believes that a sentence within the stipulated guidelines range of 155 to 188 months, to run consecutively to Mr. Vasquez 's prior federal sentence, is appropriate in this case to reflect the seriousness of the offense, to provide just punishment, and also protect the public from further violence of the defendant.

As your Honor is aware, this case involves two separate violent incidents. I'll start first with the robbery. The robbery involved eight victims, three of those victims were under the age of 10. This event was extremely violent and traumatizing for those victims.

On the evening of January 20, 2014, Marcelina Mata, one of the victims, was in her home in the Bronx waiting for her dad to return home. She heard a noise at the door. Thinking it was her dad, then a 71-year-old man named Colon Mata, she opened the door. When she opened a door, a masked gunman pointed a gun in her face, forced Marcy to the ground, and tied her up. Behind that gunman were four other masked gunmen, and they were holding Marcy's father.

Those men had attacked Marcy's father before he had gotten up to the door. They tied him up, they duct taped his head, and struck him in the face.

When the robbers entered the home, they methodically moved through each room. In the kitchen the robbers tied Marcy's mother, a woman named Australia Mata, up. They pulled her nightgown over her head, it caused her to become unconscious.

In the bathroom, the robbers struck one of Marcy's cousins and forced him into the bathtub. In a bedroom the robbers struck one of Marcy's cousins, tied his hands and feet, and forced him to the ground in front of his then six-year-old son who had to watch the whole thing occur.

In addition to Marcy's younger six-year-old cousin, there were also two other girls under the age of 10 that were in the bedroom. The robbers opened the door, but they did not enter, but those girls were aware that the robbery occurred.

The robbers eventually left. They took several safes, they took cash, they took jewelry. And they left after terrorizing Marcy and her family.

And I know from preparing for trial in this case and also meeting with the victims on several occasions, that this had a significant traumatizing effect on each of the victims. Just take Marcy, for example. Following the robbery, she struggled to go to work. She eventually lost her job. She had to move out of her home because she could no longer stay there. She was just traumatized by the event.

Yomelvin Morel, the cousin I referred to that had money stolen from him, had his life savings in the house in the safe. Approximately $17,000. He lost his entire life savings that he built up as a cab driver. He hasn't been reimbursed. He was also traumatized by the event.

And Australia and Colon Mata, the mother and father of Marcy Mata, they lost confidence in their safety in the community. They're well known in that community. And for years they wondered whether someone they knew had targeted them. And they just didn't know. And that's the robbery alone, but there's still more with the carjacking.

The carjacking involved four victims. And this occurred in November of 2012. The victims of the carjacking were lured to a location in Manhattan. Once they got to that location, two individuals approached one of the victims, appearing to be a buyer of a BMW. One of those individuals pulled a gun out, and said I'm taking your BMW. Around that time, the defendant Nelson Veras and one of the cooperating witnesses in this case approached them wearing hoodies. One of them had a bat; one of them had a gun. Mr. Vasquez was not believed to be either one of those individuals, but he did assault one of those individuals, one of the victims. One of the victims was struck with a bat in the head. One was struck with a firearm. Several of them were chased and assaulted. So again, a very traumatizing event for each of these victims.

The government believes that a sentence within the stipulated guidelines range is also necessary to protect the public based on this defendant's criminal history. He has a long criminal history dating back to 2007. And even as of the time that he committed the carjacking, he had already been convicted seven times before that carjacking. His conduct seemed to be escalating as of January 2014 when the robbery occurred, and finally he was arrested in July 2014 in the case before Judge Scheindlin.

THE COURT: Just remind me what that case involved.

MR. LAROCHE: That case was a narcotics trafficking conspiracy, your Honor, involving the Trinitarios gang. The defendant was believe to be a member of that gang and was involved in the narcotics trafficking. He pled guilty to the narcotics trafficking charge and got 36 months' imprisonment.

I'd note that the defendant in his submission and in his letters paint a different picture of the defendant than one that the government is aware of. The government read I think eight letters -- the defendant's wife, his mother, two of his aunts, a teacher, a social worker, two of his brothers -- that present a picture of the defendant that's obviously much different than someone who committed a violent robbery and carjacking.

That said, balancing that against what actually occurred in this case and the traumatizing effect this has had on the victims, the government does not believe that a sentence below the stipulated guidelines range is appropriate in this case based on the 3553(a) factors.

And finally, just to note on the consecutive sentence issue. The Court does have discretion really based on the

3553(a) factors to determine whether a reasonable sentence should run consecutively or concurrently with the federal sentence, the 36-month sentence that he's now serving. It is the government's position it should run consecutively. The reason being that the government views this conduct as separate and apart from the conduct of the defendant in the narcotics trafficking conspiracy. And in those circumstances, the government would seek the consecutive sentence.

THE COURT: Thank you, Mr. Laroche. Mr. Orden.

MR. ORDEN: Your Honor, thank you. I've heard myself say any number of times, I don't think too often, and other lawyers say that the client that stands before you is not the same man that he was who committed these crimes. And I can't dispel any of the descriptions that were given to you about the conduct of my client and others during the course of these two events.

But, the man here -- and there's some proof of that -- is not the man he was. It's not just that he does have a remarkable family who stands behind him, different in kind perhaps from often the families that I come across with many of my clients in terms of education, lifestyle, and devotion in the community, that I do think counts for something. But, it doesn't necessarily indicate my client is a changed man just because they love and support him. I think it is in addition.

But the fact of the matter is, unaware that these indictments were going to be brought against him, Mr. Vasquez was released on bail after the first serious charges were brought against him. And at the time they were brought against him, notwithstanding the sentence that we ultimately got, which is -- I'm not minimizing, a three-year sentence is a serious sentence, but the charges themselves, which he had to live with before pleading guilty were more serious than that. And as Mr. Laroche has pointed out, alleged a membership of my client in a notorious gang called the Trinitarios. Notwithstanding that, Mr. Vasquez decided at that point, I think earlier, but at that point that his life had to change and he did. He was released on bail, he was working -- he got a job as a security guard. He never had a scintilla, a whiff, of any more criminality against him and he lived a devoted life to his God, and to his family, and thereafter, after he was remanded by this Court, his first child was born. Now --

THE COURT: What is the time period that you've described?

MR. ORDEN: About a year prior to -- I think he was out nearly a year if not more. 13 months. 14 months. He was working as a security guard for that year. So, he did in fact, unlike so many other claims, which I never made them invalidly, are barren of proof when I believe my clients have changed their lives. Mr. Vasquez has some proof of having changed his life.

Now that doesn't, that doesn't vitiate or vacate any of the conduct that preceded that. It was -- I won't use the adjectives, the descriptions are there for the Court, but he changed his life, and I think that that self-rehabilitation and there was no need for that, I mean, so many of -- how many numbers of defendants have you released that come back to you after committing crimes while they're released on bail. He completely changed his life. And I think that it warrants some deep consideration by this Court.

So, I don't know what the number of years the Court should impose. I do believe it should be less than 151 months. I know it's going to be serious. And I do believe that it should be concurrent with his prior sentence.

THE COURT: How do you respond to the government's argument for consecutive, given that it is often the case that there is overlap of conduct and there's none here?

MR. ORDEN: Well, frankly, Judge, it really comes down to how many years the Court deems sufficient that my client spend in jail I think. So it really matters not, quite frankly, from my standpoint, whether it is a consecutive or concurrent sentence. It is the total number of years that he is going to spend hopefully accomplishing things in jail to even better his life for when he comes out.

But the question is does he come out when his daughter is perhaps a young teenager, does he come out when she is a midlife adolescent, does he come out when she's going to college. That really is I think the umbrella that the Court should be making this decision. Not whether it is necessarily imposed as a consecutive sentence, which I would ask then be less years, or a concurrent sentence. It is really the total number of years. And of course, either way as the government concedes, notwithstanding the fact that there are disjunctive events, you can nevertheless sentence him concurrently if that's your preference.

THE COURT: All right. Thank you, Mr. Orden.

Mr. Vasquez, you're not obligated to make a statement, but if you'd like to do so, you may do so now. Would you like to?

THE DEFENDANT: No, ma'am.

THE COURT: Okay. Counsel, is there any reason why sentence should not be imposed at this time?

MR. LAROCHE: No, your Honor.

MR. ORDEN: No, your Honor.

THE COURT: As I've stated, the guideline range applicable to this case is 151 to 188 months' imprisonment. Under the Supreme Court's decision in *Booker* and its progeny, the guideline range is only one factor that the Court must consider in deciding the appropriate sentence.

I'm also required to consider the other factors set forth in 18 U.S.C. Section 3553(a). These include the nature and circumstances of the offense, and history and characteristics of the defendant, the need for the sentence imposed to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, protect the public from further crimes of the defendant, and to provide the defendant with needed education or vocational training, medical care, or other treatment.

I have to take into account the kinds of sentences available, as I've said, the guideline range, any pertinent policy statements, the need to avoid unwarranted sentence disparities, and the need to provide restitution to any victims of the offense.

I am required to impose a sentence sufficient but no greater than necessary to comply with the purposes I've just described.

I have given substantial thought and attention to the appropriate sentence in this case in light of the 3553(a) factors and the appropriate purposes of sentencing as reflected in the statute.

The crimes to which Mr. Vasquez has pled guilty, I will say, are two of the more violent crimes I've seen during my time on the bench. There was the home invasion robbery, the government has described it at length and I won't belabor the details. I'll note that there were eight victims, including children. Some of the victims were tied up and bound and struck in the face with guns. Others were threatened with weapons. Over $20,000 in cash and jewelry were taken from the home.

The carjacking also involved violence. The victims were threatened with a gun and a bat, and one of the victims was struck in the head with a bat, another was punched. In total, between the two crimes, there were 13 victims, as I've noted including young children. They were physically, mentally, and emotionally traumatized by the conduct of Mr. Vasquez and the co-defendants.

There is no doubt that a serious sentence is necessary to reflect the seriousness of the offense, to provide just punishment for the offense, and to deter Mr. Vasquez and others from engaging in similar dangerous and criminal conduct.

The serious punishment is also required to protect the public from further crimes of this defendant. Based on the two crimes involved here, alone, the purpose of punishment, that is to say, protecting the public, would be strongly in issue. It is further in issue here because this represents Mr. Vasquez's 12th known conviction. His criminal activity has escalated, and a serious punishment is certainly necessary to protect the public from the further crimes of Mr. Vasquez.

Of course I must and I do take into account the history and characteristics of this defendant. Mr. Vasquez certainly grew up under difficult circumstances, although what he faced is not uncommon among many citizens who do not turn to such criminal and violent behavior. His relatives describe him as a loving family man. I don't doubt that's true. But his ties to the community through his family and friends has unfortunately been insufficient to deter him from continuing egregious criminal conduct.

I do take into account that Mr. Vasquez pled guilty and has accepted responsibility for his criminal action. I take into account his family responsibilities, including to his wife and young daughter.

In sum, it will be my conclusion to sentence Mr. Vasquez to a guideline sentence, though I will sentence him at the low range of the guidelines taking into account the factors I've indicated, including the fact that he pled guilty and accepted responsibility and the other factors that I have indicated.

That leaves the question of whether to run the sentence consecutive or concurrent. I don't think, Mr. Orden, that it is just a matter of the ultimate amount of sentencing. I do think sentencing reflects messages of deterrence and other messages to the defendant, to victims, and to the community, so I do believe that to accurately reflect that this punishment is for the sentence for the crimes involved here, I will run the sentences consecutive to his current sentence.

I'll now formally state the sentence I intend to impose. Mr. Vasquez, will you please rise.

It is the judgment of this Court that you be remanded to the custody of the bureau of prisons for 151 months to be followed by a period of three years of supervised release. You may be seated.

To be clear, I'm running the sentences for Count One in 15 CR 551, I'm imposing a sentence of 151 months, and it is to be run consecutive to -- I'm running the two sentences on Count One for 15 CR 551 and in Count One of 15 CR 651, I'm sentencing him to 151 months to be run concurrently. But I am indicating that the sentence should run consecutive to the 36-month sentence that he is currently serving.

I am imposing three years of supervised release for 15 CR 551 and 15 CR 651, and those supervised release terms will run consecutively for a total of six years of supervised release.

Let me state the terms of supervised release first and then I'll turn to the fine. The standard conditions of supervised release shall apply. In addition, I am imposing the following mandatory conditions: The defendant shall not commit another federal, state or local crime; the defendant shall not illegally possess a controlled substance; the defendant shall not possess a firearm or destructive device.

I will be imposing a special condition requiring drug treatment and testing. And the defendant shall cooperate in the collection of DNA as directed by the probation officer.

Standard conditions of supervision shall apply, as I've indicated, in addition the following special conditions: The defendant is to report to the nearest probation office within 72 hours of release from custody. I will recommend that the defendant be supervised in the district of residence. The defendant will participate in an outpatient treatment program approved by the United States probation office which shall include testing to determine whether the defendant has reverted to using drugs or alcohol.

I'm imposing the search term included on page 26 of the presentence report.

I am waiving the fine because I don't believe the defendant can pay the fine or it will interfere with his restitution payments.

I'm imposing a mandatory special assessment of $200 which shall be due immediately.

Any objections to the government's proposed order of restitution?

MR. ORDEN: No, your Honor.

THE COURT: I am ordering restitution in the amount of $55,450 to the victims of the offense, and consistent with the proposed order of restitution, defendant's liability for restitution will be joint and several with that of any other defendant ordered to make restitution for the offense in this matter. I will seal the restitution order which includes the schedule of victims to protect the privacy interests of the victims.

Forfeiture, Mr. Laroche?

MR. LAROCHE: The government is not seeking forfeiture.

THE COURT: Does either counsel know of any legal reason why the sentence should not be imposed as stated?

MR. LAROCHE: No, your Honor.

MR. ORDEN: No, your Honor.

THE COURT: The sentence as stated is imposed. I do find the sentence is sufficient but not greater than necessary to satisfy the sentencing purposes I've described earlier.

Mr. Vasquez, I certainly do hope that Mr. Orden's description of your change is true. It is my hope that that is true for the sake of yourself and your family. When you are released and on supervision, I do urge you to take advantage of the resources of the probation department to help you reestablish your day-to-day life during your period of supervision. The folks in probation are there to help you succeed.

That said, I must caution you that you must comply strictly with all the conditions of your supervised release. If you're brought back before me for violation of those conditions, I may sentence you to another term of imprisonment.

Let me state that I do conclude that interest on forfeiture is to be waived in light of the financial situation of Mr. Vasquez.

Mr. Orden, are there any requests regarding designation?

MR. ORDEN: Yes, your Honor. Closest to the New York City area.

THE COURT: I grant that request and recommend to the bureau of prisons that Mr. Vasquez be placed in a facility as close to New York City as possible. I presume to help maintain ties with his family?

MR. ORDEN: Absolutely, Judge.

THE COURT: Other requests?

MR. ORDEN: The only thing, I think you said interest on the forfeiture. I think you meant restitution.

THE COURT: That was my mistake. Interest on restitution is to be waived in light of inability to pay.

Mr. Laroche.

MR. LAROCHE: The government moves to dismiss the open counts in indictment 15 CR 551, and there is an open count in 15 CR 651.

THE COURT: Those counts are dismissed. Mr. Vasquez, I see no basis for an appeal, but I am required to inform you of your appellate rights. To the extent that you've not given up your right to appeal, your conviction and your sentence through your plea of guilty, and the agreement that you entered into with the government in connection with that plea, you have the right to appeal. If you are unable to pay the cost of an appeal, you may apply for leave to appeal in forma pauperis, that is to say without paying the filing fee. The notice of appeal must be filed within 14 days of the judgment of conviction.

Counsel, is there anything else I can address at this time?

MR. LAROCHE: No, your Honor.

MR. ORDEN: No, other than I would note that in the plea agreement there was a waiver of appeal if sentenced within the guidelines rage or below.

THE COURT: There was an appeal waiver if sentenced to 151 months or below. Anything else I can address at this time?

MR. LAROCHE: No, your Honor. Thank you.

MR. ORDEN: No, thank you, your Honor.

THE COURT: Good luck to you, Mr. Vasquez. We are adjourned.

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